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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,247	08/22/2006	Stein Kuiper	NL 040232	1683
24737 7590 03/06/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHOI, WILLIAM C				
ART UNIT		PAPER NUMBER		
2873				
MAIL DATE		DELIVERY MODE		
03/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/598,247

**Applicant(s)**

KUIPER ET AL.

**Examiner**

WILLIAM C. CHOI

**Art Unit**

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 2 and 4-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 1206
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

Receipt of the Information Disclosure Statement (IDS) with copies of the references cited therein, was received on 12/21/2006. An initialized copy of the IDS is enclosed with this office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Berge et al (U.S. 6,369,954 B1).

In regard to claim 1, Berge et al discloses an optical component for introducing optical aberrations to a light beam defining an optical axis (column 5, lines 28-64, Figure 6, "O"), comprising: a fluid chamber (Figure 6, "12") having a first fluid (Figure 6, "11") and at least a second fluid (Figure 6, "13") therein, the first and second fluids being non-

miscible (column 3, lines 7-9), the first fluid and the second fluid being in contact along an interface extending through the fluid chamber substantially transverse to the optical axis (Figure 6, "A"), the first and second fluids having different indices of refraction (column 3, lines 7-9), the first fluid being substantially electrically insulating (column 3, line 5, Figure 6, "11") and the second fluid being substantially electrically conductive (column 3, line 7, Figure 6, "13"); at least a first electrode separated from the second fluid (Figure 6, "75") and at least a second electrode acting on the second fluid to alter the shape of the interface in dependence on a voltage applied between the first and second electrode (Figure 6, "17"); characterized in that the at least one first electrode is arranged in an intermediate portion with respect to the interface such that the intermediate portion of the interface is moved substantially in direction of the optical axis in dependence on the voltage applied between the at least one first electrode and the at least one second electrode (column 5, lines 45-64, Figure 6, "17, 75, A, B, O").

Regarding claim 3, Berge et al discloses wherein the at least one first electrode is configured as a thin plate having its plane arranged perpendicular to the optical axis (Figure 6, "75").

### ***Allowable Subject Matter***

Claims 2 and 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach a combination of all the claimed features as presented in claim 2: an optical component as claimed, specifically wherein the at least one first electrode is arranged in a wall of the fluid chamber transverse to the optical axis.

The prior art fails to teach a combination of all the claimed features as presented in claims 4-6, 8 and 9: an optical component as claimed, specifically wherein a plurality of first electrodes electrically insulated from one another are arranged side by side in substantially one plane perpendicular to the optical axis.

The prior art fails to teach a combination of all the claimed features as presented in claim 7: an optical component as claimed, specifically wherein the at least one electrode is configured in ring shape.

The prior art fails to teach a combination of all the claimed features as presented in claim 10: a scanning device for optical record carriers characterized by said optical component.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM C. CHOI whose telephone number is (571)272-2324. The examiner can normally be reached on Monday-Friday from about 9:00 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Choi/  
Primary Examiner, Art Unit 2873  
February 26, 2008